

United States District Court

For the
Middle District of Pennsylvania

FILED

WILLIAMSP

JUN 09 2011

Norman N. Shelton
Plaintiff

vs.

PER

Cett

DEPUTY CLERK

Case No. 11-11-cv-00368 MM = DB

Warden Bledsoe et al

Memorandum of Law Under Local Rule 7.7

Now comes Norman N. Shelton, plaintiff, herein above case pro-se fashion.

1.) Affirming injunction based on generalized increase of harassment, and retaliatory conduct in violence attributed to random assignment to cellmates that's non-muslim and placing non-muslims in rec cage's with me. officials are liable based on genral danger arising from prison official and prison environment that both stimulated and condoned violence. I am not asking this honorable Court to just give a watchful eye to this matter but actully prevent any more unpleasant wrongful retaliatory acts or events to happen again.

2.) See, e.g. Wilson v. New York 303 A.D.2d 678, 679, 760, N.Y.S.2d 51, 52 (2d Dept-2003). And also see, Ashcraft vs, King 228 cal, App. 3d 604, 613, Cal, App 2d, Dist 1991). and see.. Hudson vs. McMillian 503-US.1, (1992)

3.) As to the conditions of my confinement, I was attacked and assaulted twice by two different gang members. One on August 30, 2009, I was beaten for a whole three minutes with my hands cuffed behind my back and the S.M.U. officials watched in did nothing to stop it. And again on Nov. 26, % Raup forced a gang member in to my cell against my will. And threaten me with restraints. we both stated in a loud voice it would not work out for us to be cellies. That morning after given the officer actual knowledge, I was jumped from behind punched and kicked to the face and body.

4.) Prison officials knew or should have known placing a muslim in a cell against his will to live with a gang member shows there has been a pattern of their abuse of authority and that there was a threat of more abuse by continually placing plaintiff in cells with ~~non~~ muslims. "Plaintiff's incident reports reveals that truth." Note. No state shall deprive any person of life, liberty or property without due process of law nor deny to any person within its jurisdiction the equal protection of the laws. Plaintiff claims for amended injunctive relief are authorized by 28 U.S.C. section 2283 & 2284 and Rule 65 of the Fed. R. Civ. P.

5.) The plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this honorable Court grants the declaratory and amended injunction. Relief which plaintiff seeks Prison officials by their own omission caused a liberty interest and atypical incident of prison life, See, *Ayers v. Ryan* 152 F.3d 71 (2d cir. 1998) *Taylor vs. Rodriguez* 238 F.3d 188 (2d cir 2001). And *Hatch v. District of Columbia* 184 F.3d 848 (D.C. cir 1999).

6.) Plaintiff is a muslim illustrates the seriously affect of plaintiff's health and safety, prison officials would not place a skin head in the cell with a muslim or the other way around. They denied those rights to plaintiff. (See *Barney vs. Pulsipher*, 143 F.3d 1299, 1311 10th cir 1998) And see, *Rauser vs. Horn*, 241 F.3d 330 (3d cir 2001).

Conclusion,

plaintiff prays that this honorable court have plaintiff transfer to a different institution. "They have throw away my out going legal mail.

Dated 3-28-11

Submitted
Norman M. Shelton #45969-066
U.S. P.L.
P.O. Box 1000
Lewisburg Pa. 17837

Certificate of Service

I Norman Elabir Shelton, Declare under penalty of perjury that the foregoing is true and correct. I mailed the following motion to.

United States District Court
for the
Middle District of Pennsylvania
U.S. courthouse 218
240 west third st
Williamsport, pa. 17701-6460

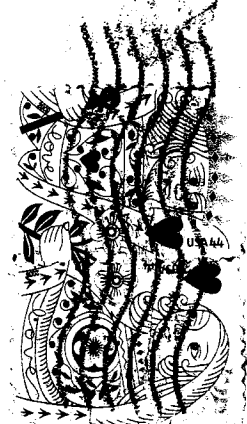
Dated 5-28-11

Norman Elabir Shelton
#45969-066
U.S.P.L.
P.O. Box 1000
Lewisburg Pa. 17857.

Inmate Name: Norman Shelton
Register Number: 415969-066
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

HARRISBURG PA 171

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~~for the~~
~~Middle District of Pennsylvania~~
U.S. Courthouse 218
240 West Third St.
Williamsport, Pa. 17701-6460

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